To: FCC Commissioners
From: Mike Males, University of California, Santa Cruz
Center on Juvenile and Criminal Justice, San Francisco
Date: 18 October 2004

Comment on Federal Communications Commission NOTICE OF INQUIRY
Before the Federal Communications Commission, Washington, D.C. 20554
In the Matter of MB Docket No. 04-261:

**Violent Television Programming and Its Impact on Children**

**1. Issue: Should the FCC override parents' and families' individual decisions about what it appropriate for family members to view?**

The applicable paragraphs of the Notice state: "19. We also seek comment on the usefulness of the V-chip. Although as many as 40% of parents have television sets equipped with a V-chip, more than half of them are not aware of it, and two thirds of those who are do not use it.39 The Kaiser Foundation, in a recent study, has found that parents have not used the V-Chip even after a concerted effort to inform them about it.40 We seek comment on recent initiatives to educate parents about the V-Chip's availability. What can be done to enhance the usefulness of the V-chip? Are there ways to improve the ratings system? ...

E. Possible New Regulatory Solution: "Safe Harbor"

20. If the TV Parental Guidelines and V-chip are not adequate to protect children from any identifiable dangers of exposure to media violence, what other mechanisms are available?"

Analysis: Part 19 of the Notice states that parents do not use the V-chip that is readily available to them, even when vigorous efforts are made to inform them of it. Paragraph 20 requests comments on additional/alternative mechanisms to "protect children" assuming that parental guidelines and the V-chip "are not adequate."

Part 20 implies an assumption I wish to challenge: that parents, by virtue of their mass rejection of V-chip technology, therefore may be judged incompetent to protect their children, meriting overriding of their decision by government authorities in the form of blanket regulation of television program content.

Part 20 seems to assume that for whatever reason, the vast majority of parents don't care what their children watch and don't bother to use even a readily available technology they have paid for to protect them, creating a danger the FCC must intervene to forestall. This assumption disregards plausible alternative explanations better fitting the known facts, which are:

(a) parents do care about their children;

(b) parents are in the best position to know and judge the individual capabilities of their children to handle television programming of varying content;

(c) parents have chosen to make program suitability decisions themselves, or as a matter of normal family processes, rather than impose one-size-fits-all regulation via government-imposed rules or technology, and

(d) parents have shown that they have not requested, and do not need or require, arbitrary government intervention to protect their children from menaces they have carelessly or ignorantly chosen to disregard.

A second, related assumption underlying the rationale for FCC regulation is that one "child" under age 17 is exactly the same as another regardless of differences in age, maturity, or individual characteristics. The assumption of sameness in the regulated population would lead to the conclusion, suggested in part 20, that government regulators can make better decisions as to what each, individual child or youth, across a wide divergence of ages, temperaments, maturities, tastes, educational levels, family backgrounds, cultures, and other variations should be allowed to view better than their parents and families can on an individual basis.

Such a conclusion contradicts not only practical experience and common sense, but even the research cited to support government regulation. Studies concluding violent media promotes real-life violence by youth do not claim every youth--or even a substantial fraction--commits real violence or suffers other demonstrable harm as a result of exposure to violent media. In fact, even assuming these studies prove cause and effect (an assumption disputed in comment 2, below), only a tiny fraction of youth are influenced to violence or other anti-social behaviors and attitudes by violent media. In effect, those who promote FCC intervention say, "if studies indicate 1% of youths might commit a violent act because of what they see on television, we must impose rules regulating 100% of youths and families even though 99% do not need, will not benefit from, and will suffer unnecessary restriction on normal freedoms, as a result."

Conclusion: There is no reason for the FCC to assume jurisdiction in this area. A large majority of parents, as the legal guardians who are in the best position to know their individual children's needs, have not requested federal intervention in this area. Parents have been given ample opportunity to utilize Washington regulatory devices and schemes and have overwhelmingly rejected them, as the Notice acknowledges. The FCC should not presume to substitute a mass, one-size-fits-all regulation to override the individual, family-based decisions the vast majority of parents and families have made with regard to what programming is acceptable for their particular children and youths.

**2. Issue: Is the research on media violence sufficient, and sufficiently conclusive, to merit sweeping, centralized regulation?**

The common-sense and research-based claims by proponents of greater federal regulation of violent television content are not supported by practical evidence.

In the last decade, many forms of violent media, including television content, are said to have increased considerably during recent periods:

"The National TV Violence Study, which appears to be of the most extensive content analyses to date, involving the efforts of more than 300 people recording and watching more than 10,000 hours of television programming from 1994 to 1997, indicates that more than half of all television programming contains violence. More specifically, during the period of the study, the proportion of programming with violence consistently hovered around 60%. During prime time, the proportion rose from 53% to 67% on broadcast networks, and from 54% to 64% on basic (i.e., non-premium) cable channels" (Notice, Paragraph 3). Similarly, the American Medical Association, in 2004 testimony to Congress, declared, "America's young people are being exposed to ever-increasing levels of media violence, and such violence has become increasingly graphic." [see note 44].

What, then, are the demonstrable effects of media violence and its alleged increase?

A. Real-world violence patterns and trends do not confirm a media effect.

The major measures of criminal violence--the National Crime Victimization Survey [1], the FBI's Uniform Crime Reports [2], and public health reports of mortality and injury from violence--show massive declines in the last decade.

| | FBI UCR* | | NCVS** | Youth arrests*** | |
|---|---|---|---|---|---|
| Year | Violent | Homicide | Violent | Violent | Homicide |
| 1990 | 729.6 | 9.4 | 4,400 | 433.5 | 12.1 |
| 1991 | 758.2 | 9.8 | 4,950 | 459.7 | 12.6 |
| 1992 | 757.7 | 9.3 | 4,900 | 474.7 | 11.9 |
| 1993 | 747.1 | 9.5 | 5,020 | 499.2 | 13.7 |
| 1994 | 713.6 | 9.0 | 5,200 | 532.9 | 13.2 |
| 1995 | 684.5 | 8.2 | 4,640 | 516.6 | 11.4 |
| 1996 | 636.6 | 7.6 | 4,220 | 464.8 | 10.0 |
| 1997 | 611.0 | 6.8 | 3,940 | 406.6 | 8.3 |
| 1998 | 567.6 | 6.3 | 3,670 | 369.7 | 6.9 |
| 1999 | 523.0 | 5.7 | 3,290 | 339.2 | 4.7 |
| 2000 | 506.5 | 5.5 | 2,800 | 316.5 | 3.9 |
| 2001 | 504.5 | 5.6 | 2,520 | 294.5 | 4.3 |
| 2002 | 494.6 | 5.6 | 2,310 | 276.1 | 4.1 |
| 2003 | 479.3 | 5.7 | 2,260 | | |
| Change**** | -37% | -42% | -57% | -48% | -70% |

*Crimes reported to police per 100,000 population. FBI, *Crime in the United States*, 1990-2003, Table 1. Rates for 2003 are preliminary.
**Violent victimizations per 100,000 population ages 12 and older. Bureau of Justice Statistics, *Criminal Victimization 2003*, Table 5. Rates for 1990-92 are estimated from previous surveys.
***Arrests of youths per 100,000 population ages 10-17. FBI, *Crime in the United States*, 1990-2002, Table 38. Data for 2003 not available at this writing.

****Change is measured from early 1990s peak through 2003.

Recognizing that real-world crime trends contradict their contention that media violence causes real-life violence, proponents of this belief have made persistent efforts to misrepresent violence as increasing, particularly among youth, by choosing inappropriate and outdated time periods and measures for comparison.[see note 44] To counter the "pick and choose" approach, the complete, most recent record of the best violence measures for all years in the 1990 through 2003 period is presented above. Note that all measures show violence peaks in the early 1990s (from 1991 for violent crime and homicides reported to police to 1993 and 1994 for violent victimizations and youth offenses). From their early 1990s peak through 2003, all violence measures decline rapidly, with the most serious offenses, and those by the youngest offenders, declining the most rapidly.

The National Crime Victimization Survey (NCVS) is widely considered the most accurate measure of crime, since it captures offenses not reported to police. In its latest (September 2004) report covering surveys through 2003, the Bureau of Justice Statistics states that, "Violent victimization rates" are now at "their lowest point recorded since the inception of the NCVS in 1973" (page 1). For young offenders--those victims perceived to be under age 21--violent offending declined from 3,850,000 crimes in the 1993 NCVS (the first employing the new survey design) to 1,750,000 in 2002 (the most recent available as of this writing). This is a phenomenal drop of 55% in absolute terms and 61% in the population-adjusted rate of violent offending by teenagers, one considerably larger than the decline among adults [1].

Since violence in the media is not the only cause of violence in society, it is theoretically possible that real-world violent crime rates may decline even as violent media content alleged to promote violence increases. There are two major reasons to be suspicious of this claim in this case.

First, the decline in societal violence and violence by youth is staggering in size. Never (at least, since reliable figures have been kept) has the United States experienced such a dramatic decline in violence in so short a period. We would have to conclude that violence in the media must be a trivial impetus for real-life violence, if it is one at all, for its influences to be so overwhelmingly offset by larger forces working to decrease violence over the last decade.

Second, the populations that supposedly suffer the greatest vulnerability to violent media influences--juveniles--are the ones showing the GREATEST decline in violence of all types over the last decade. The decline in violent crime arrest rates involving youths are the largest of any age group. Comparing 2002 violent crime arrest rates with the average for the 1990-94 period, the decline among ages 10-17 (-42%) is much larger than for older ages: age 18-29 (-26%), age 30-49 (-12%), and age 50 and older (0%). Further, for both juvenile and adult age groups, the violence decline is greater for males than for females [1].

These patterns--major declines in violence, concentrated most heavily in groups thought most prone to rising media-violence influences--are not the ones we would expect if violent media was working to increase real-life violence. Yet, proponents of media violence theories have ignored, downplayed, and misrepresented the contradictory real-world trends and urged reliance on laboratory and correlational studies instead. This is a dubious position, as will be discussed in the next argument.

B: Research into media violence effects is too weak, vulnerable to bias, and contradictory in findings to serve as a basis for regulation.

Laboratory studies of psychological and sociological phenomena are weak tools, prone to unpredictable biases that have been documented over four decades of research [see note 30], for three major reasons.

First, in the case of complex behaviors, the strength of laboratory studies--artificial isolation of the single influence being studied, media violence in this case, and exclusion of all other influences--becomes a weakness. Individuals do not view media violence in isolated or rarified contexts present in the laboratory, but amid a complicated array of other influences and environments (including socioeconomic and family conditions) that even advocates of media violence theories have admitted may be more important in determining violent outcomes.

Second, ethics regulations prohibit researchers from allowing subjects to inflict real violence on other humans, and so surrogate measures must be used. Surrogate measures of violence, such as hitting plastic dolls, inflicting loud noises or puffs of air, or indicating violence on paper-and-pencil measures, are clearly seen by subjects as harmless. The notion that inferences about whether a subject would beat, shoot, or kill someone in real life based on that subject's willingness to push a button inflicting beeps on another subject in a laboratory reveals experimenters (not subjects) confusing artificial with real violence.

Third, a large body of research shows that "demand characteristics" and "experimenter effects) bias subjects to help researchers confirm their hypotheses, even if experimenters make no overt biasing efforts. This problem is especially acute in studies in which the objective of the study is clearly apparent to subjects, as media-violence research notoriously is. Media violence studies tend to find what the experimenter expects to find, regardless of whether the expectation is for an effect or no effect. (The most infamous example, noted below, is the finding by respected Yale University researchers that viewing *Sesame Street* and *Mr. Rogers' Neighborhood* make children more aggressive.)

The failure of real-world trends to confirm media-violence effects cannot be casually dismissed by reliance on laboratory or correlational research. The weaknesses of laboratory research into media violence are summarized below.

Some vocal media-violence researchers, such as psychologist Craig Anderson assert that

"there is a causal connection between viewing violent movies and TV programs and violent acts”[2]. However, most studies and experiments have not found adverse effects. Researchers who do report positive results have generally relied on small statistical differences and used dubious "proxies" for aggression, such as recognizing "aggressive words" on a computer screen. Indeed, research on media violence more generally has also failed to prove that it causes – or is even a "risk factor" for – actual violent behavior. As psychologist Guy Cumberbatch has noted: “The real puzzle is that anyone looking at the research evidence in this field could draw any conclusions about the pattern, let alone argue with such confidence and even passion that it demonstrates the harm of violence on television, in film and in video games. While tests of statistical significance are a vital tool of the social sciences, they seem to have been more often used in this field as instruments of torture on the data until it confesses something which could justify publication in a scientific journal. If one conclusion is possible, it is that the jury is not still out. It's never been in. Media violence has been subjected to lynch mob mentality with almost any evidence used to prove guilt.”[2]

This torturing of research data on media effects has been driven by a "causal hypothesis" held by some psychologists, that youngsters will imitate fantasy violence. There is some common-sense appeal to this hypothesis. But seemingly common-sense notions do not always turn out to be correct. And researchers' attempts to reduce the myriad effects of art and entertainment to numerical measurements and artificial laboratory experiments are not likely to yield useful insights about the way that viewers actually use popular culture. Likewise, in a field as complex as human aggression, it is questionable whether quantitative studies can ever provide an adequately nuanced description of the interacting influences that cause some people to become violent [3].

C. Most Studies Have Negative Results

Fantasy violence has been a theme in art, literature, and entertainment since the beginning of civilization, but attempts to prove through science that it has adverse effects are less than a century old. In 1928, the Payne Fund commissioned sociologists to gather data on the effects of cinema violence through surveys and interviews. The process took four years, and resulted in multiple published volumes. The conclusions were guarded and equivocal, but caution was forgotten in a one-volume summary, Our Movie Made Children, which became a best-seller and claimed the studies had proved harmful effects.[4]

In the 1950s, psychiatrist Fredric Wertham asserted that his informal research with juvenile delinquents proved violent comic books to cause crime. Wertham's methods were anecdotal; he had no control groups; and he mistakenly relied on correlations as proof of causation. But his assertions resonated with a public eager for answers to concerns about crime.[5]

The next subject of study was television. Soon after TV's emergence, politicians began to stoke public anxieties about violent content. At the same time, a new field of psychology,

social learning theory, posited that children imitate media violence. These psychologists believed, moreover, that such effects could be measured through laboratory experiments. Albert Bandura, leader of the social learning school, conducted experiments demonstrating that some children shown films of adults hitting Bobo dolls will imitate the behavior immediately afterward.[6] Even though Bobo dolls are meant to be hit, and aggressive play is far different from real-world intent to harm, Bandura announced that he had proved adverse effects from media violence. The announcement resonated politically, and the federal government was soon funding other studies.

The first major result of this funding was a 1972 Surgeon General's report that noted a "preliminary and tentative indication" of a causal link between TV violence and real-world behavior, but cautioned that this possible effect was "small," and only in children already predisposed to aggression.[7] As historian Willard Rowland recounts, however, legislators misrepresented the report's cautious conclusions, claiming that a definitive link had been proven.[8]

Psychologist Jonathan Freedman, who began studying media-effects research in the early 1980s, was astounded at the disparity between the claims being made and the actual results. In a 1984 article, he reported that although there is a small statistical correlation between preference for TV violence and aggressive behavior, there is no evidence of a causal link. Likewise, he said, laboratory experiments, which can show a short-term imitation effect, are too artificial to offer much guidance on TV's real-world impact. And field experiments, more realistic attempts to gauge media-violence influence, had wholly inconclusive results.[9]

Freedman found many instances of researchers manipulating results to bolster their theories. A field experiment in 1973, for example, widely cited in support the causal hypothesis, had numerous measures of aggression, all of which failed to produce any finding of adverse effects. Not satisfied, the researchers divided the children into "initially high aggression" and "initially low aggression" categories, and again compared results. Still there were no indications of harm from viewing violent programs ("Batman" and "Superman"). The initially high-aggression group, for example, became somewhat less aggressive after the experiment, no matter which programs they watched. But after more number-crunching, the researchers found that the initially high-aggression children who were shown violent programs "decreased less in aggressiveness" than the initially high-aggression children who watched neutral programs. They seized upon this one finding to claim they had found support for the causal hypothesis.[10]

Probably the most widely cited research project in these years was a "longitudinal" study – tracking correlations over time – to determine whether early preferences for violent entertainment correlate with aggressiveness later in life. The researchers found no correlation between violent TV viewing at age 8 and aggressive behavior at age 18 for two out of three measures of aggression. But there was a correlation for boys on a third measure of aggression – peer reports. They seized upon this finding, and claimed proof of harm from TV violence.[11]

They also later claimed a correlation between violent TV viewing in childhood and violent crime at age 30. Oddly, however, they did not disclose the actual numbers of violent criminals on whom they based their conclusions, and their published report did not mention a link between early violent viewing and adult crime at all. Nevertheless, one of the researchers, Rowell Huesmann, testified in 1986 before the U.S. Senate using a bar graph purportedly showing how violent TV causes violent crime. When, years later, author Richard Rhodes asked for the actual numbers, Huesmann acknowledged that the correlation shown in his dramatic bar graph was based on just three individuals who committed violent crimes.[12]

Huesmann went on to write a pivotal article on media violence in the next major government report, released in 1982.[13] It was an opportunity, as Rowland observes, to "provide a resurgent call to arms" by those "disappointed in the cautious tone" of the 1972 report.[14] But many scholars disputed its claim that harmful effects had been proven.[15] Yale professor William McGuire, for example, wrote that despite the hype, two decades of media-effects research had found little or no real-world behavioral impact from violent entertainment.[13]

Other researchers used correlation studies rather than experiments to test the causal hypothesis. One much-publicized study of this type found a correlation between the introduction of television in three countries and subsequent homicide rates. Without considering either the level of violent content in early TV, or other, more likely, explanations for the increased homicides, the researcher announced that "the introduction of television in the 1950s caused a subsequent doubling of the homicide rate"[see 17]. Many scholars disputed his claims, most notably two criminologists who reported in 1996 that homicide rates in many countries including the U.S. had decreased over the previous two decades despite increases in media violence.[14]

Some correlation research flatly undermined the causal hypothesis. In 1986, for example, Steven Messner reported negative correlations between exposure to violent TV and violent crime in 281 metropolitan areas. Messner stated: "The data consistently indicate that high levels of exposure to violent television content are accompanied by relatively low rates of violent crime."[19]

Similarly, an ambitious cross-national study coordinated by Huesmann and his colleague Leonard Eron found no significant correlations over time between children's media violence viewing and aggressive behavior in Australia, Finland, the Netherlands, Poland, the U.S., or Kibbutz children in Israel. The only strong correlations were for two groups of Israeli city dwellers. Yet in this case, as Freedman recounts, most of the researchers "tried to put the best face on it that they could" in the book that resulted. "They hedged, did other analyses, and tried to make it sound as if the results supported the initial prediction that television violence would increase aggression." The Dutch researchers, however, did not hedge. "Their write-up came right out and said that there was no evidence of any effect." Huesmann and Eron refused to publish their chapter unless they revised their conclusions.[20]

Some experiments, meanwhile, found more aggressive behavior associated with nonviolent shows like "Sesame Street" and "Mr. Rogers' Neighborhood." Joyce Sprafkin, who conducted some of these studies, later described her reaction: "I decided to look back carefully at the field and say, well, what have other people really found?" For pre-school children, the field studies simply "did not support a special significance for aggressive television."[21]

This year, Jonathan Freedman published a thorough review of some 200 experiments or studies – all that he could locate – attempting to test the causal hypothesis. He found that most had negative results, even accepting as positive some experiments that used poor, almost ridiculous, proxies for aggression. Of 87 lab experiments, 37% supported the causal hypothesis; 22% had mixed results, and 41% were nonsupportive. After Freedman factored out experiments using "the most doubtful measures of aggression," only 28% of the results were supportive, 16% were mixed, and 55% were non-supportive of the causal hypothesis.[22]

Freedman was hardly alone. A 2000 review of media-violence research by the Federal Trade Commission reported that no firm conclusions about adverse effects can be drawn.[23]

In 1994, a federal court in New York heard expert testimony on media-effects research. The case involved a county ordinance that barred dissemination to minors of any "trading card" that depicts a "heinous crime" or a "heinous criminal," and is "harmful to minors." Expert testimony from Jonathan Freedman and Joyce Sprafkin made clear that, contrary to popular belief, research on the effects of media violence has yielded inconclusive results. The court held that the county had not justified the ordinance with any evidence of harm from "heinous crime" trading cards.[24]

D. Occasional Positive Results Do Not Establish Real-World Harm

Despite the overall failure of media-effects researchers to prove harmful effects, some studies have reported positive findings. There are a number of reasons why these occasional positive results do not support the hypothesis that fantasy violence has adverse real-world effects.

The first reason relates to a fundamental but often-forgotten fact about social science research. Its results are "probabilistic." That is, the "identification of a causal relationship" through lab or field experiments "does not entail the conclusion that the identified cause produces the effect in all, a majority, or even a very large proportion of cases."[25] Thus, even studies that show a "statistically significant" link between violent entertainment and aggressive behavior do not mean that the link exists for most, or even a substantial minority of, individuals. "Significant" in the statistical sense "does not mean ‘important.' It means simply ‘not likely to happen just by chance.'"[26]

Another problem with drawing real-world conclusions from quantitative media-effects research is that both "violence" and "aggression" are very broad concepts. Researchers

have used vastly different examples of violent content in the cartoons, film clips, or games that they study. Generalizations about all violence (or all "graphic violence") from these differing examples are not trustworthy, and fail to account for the many different contexts in which works of art or entertainment present violence.

Yet another problem is that experimenters have not always made their nonviolent excerpts equivalent to their violent ones in respect to other variables such as general level of interest or excitement. Freedman gives a striking example – an early, much-cited experiment that compared subjects' behavior after watching either an exciting film clip of a prizefight or a soporific clip about canal boats. Since the canal boat film was not nearly as exciting as the prizefight film, it was probably the subjects' general arousal level, not their imitation of violence onscreen, that accounted for a statistical difference in their subsequent lab behavior.[27]

Measuring "aggression" is a further problem. For one thing, not all aggression is socially disapproved. For another, aggressive attitudes or "cognition" are not the same as aggressive behavior. Proxies for aggression in lab experiments range from dubious (noise blasts; Bobo dolls; "killing" characters in a video game) to ludicrous (popping balloons; interpreting ambiguous stories in a way that coders consider "more hostile"; recommending a grant termination).[28]

Moreover, aggressive play, whether in a lab or in the real world, is far different from real aggression intended to hurt another person.[29] Indeed, aggressive play provides a socially approved outlet for impulses that otherwise might take dangerous forms. Thus, the argument that the statistical link between media violence and aggression is as strong as the link between cigarette smoking and cancer (or other physiological analogues that are often used), even if it were true empirically, would be meaningless, because while scientists can measure the presence or absence of disease, psychologists cannot measure real aggression through the proxies used in lab experiments.

A final problem is the "experimenter demand" factor. Not only are behaviors permitted and encouraged in experiments that would be disapproved outside the lab, but subjects generally know what the researcher is looking for. Numerous scholars have noted this problem.[30]

## E. The functions of fantasy violence

The causal hypothesis has been popular within one branch of psychology. Other scholars take more nuanced and less simplistic approaches to both media effects and human aggression.[31] They look, as Professor David Buckingham puts it, at "the diverse and active ways in which children and young people use the media for different social and psychological purposes."[32] MIT's Henry Jenkins summed up this approach when he wrote that many young people "move nomadically across the media landscape, cobbling together a personal mythology of symbols and stories, and investing those appropriated materials with various personal and subcultural meanings." Because of this wide variety

of responses, "universalizing claims are fundamentally inadequate in accounting for media's social and cultural impact."[33] The National Academy of Sciences has likewise pointed out that the causal hypothesis is simplistic because it fails to consider either how different individuals respond to identical stimuli, or how different individuals' psychosocial, neurological, and hormonal characteristics interact to produce behavior.[34]

Art and entertainment influence different individuals in varying ways, depending upon their characters, intelligence, upbringing, and social situation. For a relatively few predisposed youths, the modus operandi of a crime depicted in a film might inspire them to incorporate those details into a violent act.[35] For a far greater number, the same violent work will be relaxing, cathartic, or simply entertaining.

Jenkins describes at least four functions of violent entertainment: offering youngsters "fantasies of empowerment," "fantasies of transgression," "intensification of emotional experience," and "an acknowledgment that the world is not all sweetness and light."[36] Similarly, psychologist Jeffrey Arnett, studying a correlation between adolescents' reckless behavior and preference for violent music, found "sensation seeking" to be the independent factor that accounts for both the preference and the behavior. He reported that "adolescents who like heavy metal music listen to it especially when they are angry and that the music has the effect of calming them down and dissipating their anger."[37]

Experts on childhood and adolescence have long recognized the importance of violent fantasy play in overcoming anxieties, processing anger, and providing outlets for aggression. Bruno Bettelheim was a pioneer in describing these responses in the context of violent fairy tales.[38] As film historian Jon Lewis explains, Bettelheim understood that children have "terrible struggles, terrible fears"; they are "small, and fully aware that they have no power." Violent stories "offer a safe opportunity to fantasize about having some power in a world that otherwise seems prepared to crush them."[39]

Media scholars, eschewing artificial laboratory experiments and using real-world research methods such as interviews and observation, have explored why young enthusiasts are drawn to violent entertainment. Contributors to the anthology Why We Watch report that some children "seek out violent programming that features heroes triumphing over villains in an effort to control their anxieties," and observe that historically, as real-world violence in daily life has decreased, "representations" have "supplanted actual experience" as a way for youngsters to cope with their fears.[40]

Author Gerard Jones recently interviewed psychiatrists, pediatricians, therapists, teachers, and parents on the attractions of fantasy violence. "I gathered hundreds of stories of young people who had benefitted from superhero comics, action movies, cartoons, shoot-'em-up video games, and angry rap and rock songs," he writes. For the most part, he found young people "using fantasies of combat in order to feel stronger, to access their emotions, to take control of their anxieties, [and] to calm themselves down in the face of real danger." Jones notes that one function of play is to explore, "in a safe and controlled context, what is impossible or too dangerous or forbidden" in reality. In

"focusing so intently on the literal," Jones says, many media critics "overlook the emotional meaning of stories and images."

The most peaceful, empathetic, conscientious children are often excited by the most aggressive entertainment. Young people who reject violence, guns, and bigotry in every form can sift through the literal contents of a movie, game, or song and still embrace the emotional power at its heart. Children need to feel strong. They need to feel powerful in the face of a scary, uncontrollable world. Superheroes, video-game warriors, rappers, and movie gunmen are symbols of strength.[41] Until researchers look, not at isolated individuals forced to view or interact with violent media for a few minutes as part of a laboratory experiment, but at media consumers and game players as members of social groups, we are unlikely to come to terms with violent, or any other, entertainment.[42]

Conclusion

Stephen Jay Gould observed that efforts to invoke science to "validate a social preference" can distort both science and public policy; the risk is greatest when "topics are invested with enormous social importance but blessed with very little reliable information."[43] Censorship laws and regulations based on bogus claims that science has proved harm from violent entertainment deflect attention from the real causes of violence and, given the positive uses of violent fantasy, may be counterproductive. They substitute centralized, one-size-fits-all regulation for the considered judgments of parents, families, and young people who are in the best position to consider individual differences. For these reasons, I respectfully suggest the FCC refrain from entering into regulating television violence or other content.

Respectfully submitted,

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12. Richard Rhodes, "The Media-Violence Myth," Rolling Stone, Nov. 23, 2000, p. 55; e-mail from Huesmann to Rhodes, Mar. 13, 2000. The follow-up study was reported in L. Rowell Huesmann et al., "The Stability of Aggression Over Time and Generations," 20 Devel. Psych. 1120 (1984).

13. National Institute of Mental Health, Television and Behavior - Ten Years of

Scientific Progress and Implications for the Eighties (1982).

14. Willard Rowland, Jr., "Television Violence Redux: The Continuing Mythology of Effects," in Ill Effects: The Media Violence Debate (M. Baker & J. Petley, eds.) (1997), p. 113.

15. E.g., Thomas Cook et al., "The Implicit Assumptions of Television Research: An Analysis of the 1982 NIMH Report on Television and Behavior," 47 Pub. Opin. Q. 161, 181-82 (1983) ("the field experiments on television violence produce little consistent evidence of effects, despite claims to the contrary"); see also "Guns, Lies, and Videotape," 354(9178) The Lancet 525 (1999) ("it is inaccurate to imply that the published work strongly indicates a causal link between virtual and actual violence").

16. William McGuire, "The Myth of Massive Media Impact: Savagings and Salvagings," in Public Communication and Behavior (G. Comstock, ed.) (1986), p. 174.

17. Brandon Centerwall, "Television and Violence: The Scale of the Problem and Where to Go From Here," 267(22) J.A.M.A. 3059, 3061 (1992).

18.Franklin Zimring & Gordon Hawkins, Crime is Not the Problem - Lethal Violence in America (1997), pp. 133-34, 239-43.

19. Steven Messner, "Television Violence and Violent Crime," 33(3) Social Problems 218, 228 (1986).

20. Freedman, "Viewing Television Violence," supra, 22 Hofstra L. Rev. at 849-51. The Dutch researchers published their report separately; see Oene Wiegman et al., Television Viewing Related to Aggressive and Prosocial behavior (1986); Oene Wiegman et al., "A Longitudinal Study of the Effects of Television Viewing on Aggressive and Prosocial Behaviors," 31 Brit. J. Social Psych. 147 (1992).

21. Sprafkin testimony in Eclipse Enterprises v. Gulotta (CV-92-3416) (E.D.N.Y. Mar. 28, 1994), pp. 112-13; see also Joyce Sprafkin et al., "Effects of Viewing Aggressive Cartoons on the Behavior of Learning Disabled Children," 28 J. Child Psych. & Psychiatry 387 (1987); Kenneth Gadow & Joyce Sprafkin, "Field Experiments of Television Violence with Children: Evidence for an Environmental Hazard?" 83 Pediatrics 399 (1989).

22. Jonathan Freedman, Media Violence and Its Effect on Aggression (2002), pp. 56, 62-63. For field experiments, the percent of negative results was higher: "only three of the ten studies obtained even slightly supportive results,"and even this weak showing gave "a more favorable picture than is justified," for several of the studies with null results "actually consisted of many separate studies." Counting the results of these separate studies, three field experiments found some support; 20 did not. Id., pp. 106-07.

23. Federal Trade Comm'n, Marketing Entertainment Violence to Children, Appendix A,

"A Review of Research on the Impact of Violence in Entertainment Media" (2000).

24. Eclipse Enterprises v. Gulotta, 134 F.3d 63 (2nd Cir. 1997).

25. Frederick Schauer, "Causation Theory and the Causes of Sexual Violence," 4 Am. Bar Fdtn Rsrch J. 737, 752-53 (1987).

26. David Moore, Statistics - Concepts and Controversies 486-90 (4th ed.) (1997).

27. Freedman, Media Violence and Its Effect on Aggression, supra, p. 78. The study was Leonard Berkowitz et al., "Film Violence and Subsequent Aggressive Tendencies," 27 Public Opin. Q. 217 (1973).

28. The grant termination example is from Fischoff, supra; the "more hostile" interpretation example is from Anderson & Dill, supra. See also Ellen Wolock, "Is There a Reasonable Approach to Handling Violence in Video Games?" Children's Software Revue, July/Aug. 2002 (occasional findings of short-term effects are questionable, given how "aggressivity" is measured – "increase in heart rate and blood pressure, negative responses on questionnaires, toy choice, etc."); Craig Emes, "Is Mr. Pac Man Eating Our Children? A Review of the Effect of Video Games on Children," 42 Can. J. Psychiatry 409, 413 (1997) (reliability and validity of procedures used to measure aggression "are questionable").

29. Goldstein, "Does Playing Violent Video Games Cause Aggressive Behavior?" Paper presented at U. of Chicago "Playing By the Rules" Conference, Oct. 27, 2001, p. 5. Goldstein notes that "in the rare study that measures both aggressive play and aggressive behavior, violent video games affect the former and not the latter." Id. See also Griffiths, "Violent Video Games," supra (questioning whether aggressive free play observed in a lab is useful predictor of anti-social aggression).

30. E.g., John Shaughnessy and Eugene B. Zechmeister (2002), Research Methods in Psychology, 6th ed., New York: McGraw-Hill; Freedman, Media Violence and Its Effect on Aggression, supra, 49-51, 80-83; Cumberbatch, supra (quoting "one shrewd four year-old who, on arriving at the laboratory, ... was heard to whisper to her mother, 'Look mummy! There's the doll we have to hit!'"); Joanne Savage, "The Criminologist's Perspective," in Violence and the Media (Freedom Forum, 2001), p. 28 ("it is possible that showing subjects violent material creates an atmosphere of permissiveness and encourages them to be more aggressive").

31. Other theories of aggression look to social conditions, family environment, brain chemistry, and variations in human character. E.g., Debra Niehoff, The Biology of Violence (1999); Jonathan Kellerman, Savage Spawn - Reflections on Violent Children (1999); Rollo May, Power and Innocence - A Search for the Sources of Violence (1972); Erich Fromm, The Anatomy of Human Destructiveness (1973); Konrad Lorenz, On Aggression (1963).

32.David Buckingham, "Electronic Child Abuse? Rethinking the Media's Effects on Children," in Ill Effects: The Media Violence Debate (M. Barker & J. Petley, eds.) (1997), p. 34.

33. Henry Jenkins, "Professor Jenkins Goes to Washington," Harper's, July 1999, p. 23; Henry Jenkins, "Lessons From Littleton: What Congress Doesn't Want to Hear About Youth and Media," Independent School, Winter 2000, http://www.nais.org/pubs/ismag.cfm?file_id=537&ismag_id=14 (accessed 9/19/02).

34. National Research Council, Nat'l Academy of Sciences, Understanding and Preventing Violence (A. Reiss, Jr. & J. Roth, eds.) (1993), pp. 101-02.

35. See John Douglas & Mark Olshaker, The Anatomy of Motive (1999), pp. 82-87 (media can provide "modus operandi and signature elements" to criminals, but do not cause law-abiding people to commit violent acts); Fischoff, supra (same).

36. Jenkins, "Lessons From Littleton," supra; see also Jeffrey Goldstein, "Why We Watch," in Why We Watch, supra, pp. 216-20 (appeals of violent entertainment include mood management, sensation-seeking and excitement, emotional expression, and the state of "flow" one experiences when immersed in an activity).

37. Jeffrey Arnett, "The Soundtrack of Restlessness - Musical Preferences and Reckless Behavior Among Adolescents," 7 J. Adol. Rsrch 313, 328 (1992); Jeffrey Arnett, "Adolescents and Heavy Metal Music: From the Mouths of Metalheads," 23 Youth & Society 76 (1991); see also Lawrence Kurdek, "Gender Differences in the Psychological Symptomatology and Coping Strategies of Young Adolescents," 7 J. Early Adol. 395 (1987) (heavy metal music is useful to adolescents in purging anger).

38. Bruno Bettelheim, The Uses of Enchantment (1975); see also David Blum, "Embracing Fear as Fun To Practice for Reality: Why People Like to Terrify Themselves," New York Times, Oct. 30, 1999, p. B11 (many children and adults enjoy horror movies because they can "experience fear without real danger to themselves" and thereby "tame its effects on the psyche").

39. E-mail to Free Expression Policy Project, Sept. 2, 2002.

40. Joanne Cantor, "Children's Attraction to Violent Television Programming"; Clark McCauley, "When Screen Violence is Not Attractive"; Vicki Goldberg, "Death Takes a Holiday, Sort Of," in Why We Watch, supra, pp. 113, 149, 28. See also Celia Pearce, "Beyond Shoot Your Friends: A Call to Arms in the Battle Against Violence," in Digital Illusion: Entertaining the Future With High Technology (C. Dodsworth, Jr., ed.) (1998), p. 218 (as actual violence in society, especially as a form of public entertainment, has decreased (beheadings, mutiliations, etc.), we have, perhaps, "evolved to the point where more of our violence is vicarious than actual"); Norbert Elias & Eric Dunning, Quest for Excitement: Sport and Leisure in the Civilizing Process (1986) (seeking pleasurable excitement from violent entertainment is part of the civilizing process).

41. Gerard Jones, Killing Monsters (2002), pp. 6, 11. Jones quotes child development specialist Donna Mitroff ("children have a deep need, an almost physical need, for these archetypes of power and heroism"), and psychiatrist Lenore Terr (like toy guns in the pre-electronic era,, fantasy violence is "one of the best tools they have for dealing with their aggressions"). Id., pp. 73, 54.

42. Goldstein, "Does Playing Violent Video Games Cause Aggressive Behavior?" supra, p. 7.

43. Stephen Jay Gould, The Mismeasure of Man (1981), pp. 22-23.

44. Examples abound. See American Medical Association, September 13, 2004, AMA warns lawmakers about effects of what kids are watching, at http://www.ama-assn.org/ama/pub/article/1616-8841.html; Craig Anderson, Violent Video Games: Myths, Facts, and Unanswered Questions, October 2003, at http://www.apa.org/science/psa/sb-anderson.html; David Grossman, www.killology.com.

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